

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In Re:)	Case No. 13-12709
)	
JEFFREY P. GOEBEL)	Chapter 7
)	
Debtor.)	Judge ARTHUR I. HARRIS
)	

**MOTION OF TRUSTEE TO SELL REAL PROPERTY FREE AND CLEAR OF LIENS,
ENCUMBRANCES AND OTHER INTERESTS PURSUANT TO 11 U.S.C. § 363**

Virgil E. Brown, Jr., the duly appointed Trustee of the within Bankruptcy case ("Trustee"), by and through Counsel, hereby moves this Court for an Order pursuant to 11 U.S.C. §§102(1)(b)(i), 363(b) and 363(f) authorizing the sale of the real property of the Estate described below free and clear of any and all Liens.

1. The Trustee seeks to sell the real property located at 20021 Barletta Lane, Unit 2226, Estero, Florida 33928. Pursuant to prior Court Order in the Adversary Case No. 13-01172, captioned Virgil E. Brown, Jr., Chapter 7 Trustee v. Jeffrey P. Goebel, et al., wherein the Debtor and the Trustee entered into a stipulation authorizing the Trustee to sell this property. In addition, pursuant to this Court's Order dated November 12, 2013, the Trustee hired Keller Williams Elite Realty - Ryan Whittaker to market and sell this property, along with a second condominium unit that remains unsold. The Trustee proposes to sell the real property located at 20021 Barletta Lane, Unit 2226, Estero, Florida 33928 for the sum of \$117,500.00. The property was shown a number of times and this offer represents, in the Trustee's opinion, the best offer to purchase the real property in question.

2. The Trustee proposed to sell the real property to Gus and John Stamatakos, the Buyer, pursuant to the terms and conditions set forth in the Contract for Sale and Purchase from the Buyer attached hereto as Exhibit A. The Buyer, to the best of the Trustee's knowledge, has no connection to the Debtor or the Estate. Buyer seeks to purchase the property in good faith.

3. The Court-appointed Realtor informs the Trustee that sales in this condominium complex in the last six (6) months have ranged from \$112,500.00 to \$130,000.00, depending upon size and

condition. The real property in question has Tax Liens and Condominium Association Liens which will have to be paid at closing in order for the transaction to close. In addition, there may be a Lien to the State Court-appointed Receiver who is acting as a Receiver over the entire condominium complex. The Trustee believes that even with all of these Liens to be paid at closing, there will be a meaningful recovery for the Estate herein.

4. Trustee seeks authority to pay off at the closing any undisputed Liens, claims and or other interests on the property including, but not limited to, the Condominium Association Liens, the Statutory Liens that exist for real estate taxes and assessments on the property and any Lien for money owed to the State Court-appointed Receiver.

5. All other Liens, if any, and claims or other interests of all Creditors of the within Estate, including the alleged interest of JPG, LLC in the property are hereby transferred to the proceeds of sale of such real property.

WHEREFORE, the Trustee, Virgil E. Brown, Jr., by and through Counsel, respectfully requests that this Court authorize the sale of 20021 Barletta Lane, Unit 2226, Estero, Florida 33928 to the proposed Buyer and upon the terms and conditions stated in the Contract for Sale and Purchase and herein.

Respectfully submitted,

CRAIG W. RELMAN CO. L.P.A.

/s/ Craig W. Relman

Craig W. Relman – 0043867

James S. Schoen – 0033085

3401 Enterprise Pkwy., Suite 210

Cleveland, OH 44122

(216) 514-4981

(216) 514-4987 Fax

crelman@aol.com

Attorneys for Plaintiff

Virgil E. Brown, Jr., Trustee

CERTIFICATE OF SERVICE

Copies Furnished To:

Stephen D. Hobt, Esq. – *via mail postage prepaid*
1370 Ontario St., Suite 450
Cleveland, OH 44113-1744
Attorney for Debtor
Jeffrey P. Goebel

Jeffrey P. Goebel – *via mail postage prepaid*
50 State Road
Hinckley, OH 44233

Amy Good, Esq. – *via mail postage prepaid*
Office of the U.S. Trustee
H.M. Mentzenbaum U.S. Courthouse
201 Superior Avenue, Suite 441
Cleveland, OH 44114

/s/ Craig W. Relman

Craig W. Relman